

# Congressional Debate on FAA Reauthorization Charts New Legislative Path

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On April 27, 2018, the House passed the FAA Reauthorization Act of 2018 (H.R. 4), a six-year reauthorization measure that does not include a controversial proposal laid out in an earlier bill, H.R. 2997, to privatize air traffic control. The measure now proceeds to the Senate, where the Commerce, Science, and Transportation Committee ordered to be reported a four-year Federal Aviation Administration (FAA) reauthorization (S. 1405) that does not address air traffic control privatization. Despite similarities, there are also differences in the two bills, including the length of authorization, funding amounts, and other provisions (see **Table 1**). The current FAA authorization expires on September 30.

If enacted, H.R. 4 would represent the first long-term FAA reauthorization act since the FAA Modernization and Reform Act of 2012 (P.L. 112-95) expired at the end of FY2015. Disagreement regarding air traffic control reforms stalled action on a subsequent long-term FAA bill for almost three years, leading the 114<sup>th</sup> Congress to approve a series of extensions, including a one-year extension (P.L. 114-190) that expired at the end of FY2017. The 115<sup>th</sup> Congress passed a six-month extension (P.L. 115-63) through the end of March 2018. Subsequently, the Consolidated Appropriations Act, 2018 (P.L. 115-141), further extended aviation programs and airport and airway trust fund revenue authority through the end of FY2018.

**Table 1. FAA Major Account Funding Authorization**

(\$ millions)

	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023
<b>Operations</b>						
H.R. 4	10,247	10,486	10,732	11,000	11,269	11,537
S. 1405	10,123	10,233	10,341	10,453		
<b>Airport Improvement Program</b>						
H.R. 4	3,350	3,350	3,350	3,350	3,350	3,350

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	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023
Additional General Fund Authorization		1,020	1,041	1,064	1,087	1,110
S. 1405	3,350	3,750	3,750	3,750		
<b>Facilities and Equipment</b>						
H.R. 4	3,330	3,398	3,469	3,547	3,624	3,701
S. 1405	2,877	2,899	2,906	2,921		
<b>Research, Engineering, and Development</b>						
H.R. 4	181	186	190	195	200	204
S. 1405	175	175	175	175		
<b>TOTALS</b>						
H.R. 4	17,108	18,440	18,782	19,156	19,530	19,902
S. 1405	16,525	17,057	17,172	17,299		

**Sources:** CRS analysis of H.R. 4 and S. 1405.

## Key Issues

- Airline Pilot Qualifications.** An [amendment](#) incorporated into the Senate committee’s bill would modify training standards for airline pilots, allowing FAA to consider alternatives to the existing 1,500-flight-hour requirement. In particular, the measure would allow FAA to modify the current rules to give credit for “structured and disciplined training courses,” instead of strictly adhering to the minimum flight hour criteria. Proponents argue that the increased flexibility could help regional airlines address pilot hiring needs, while opponents contend that doing so could erode airline safety improvements made following the February 2009 crash of a commuter flight near Buffalo, NY. The exact role that the 1,500-flight-hour rule has played in improving airline safety is difficult to say. Senator John Thune, chairman of the Commerce Committee, has [reportedly](#) suggested a willingness to drop the issue in order to move FAA reauthorization forward. H.R. 4 does not contain a similar provision.
- Air Carrier and Repair Station Oversight.** Recent media coverage has raised questions about FAA’s risk-based approaches to air carrier oversight and regulatory compliance among operators and contract maintenance facilities. Provisions in H.R. 4 seek to formalize internal FAA processes for conducting comparative analyses of airlines’ safety data and would direct the Government Accountability Office to access the effectiveness of FAA’s “[Compliance Philosophy](#)” and how it balances nonpunitive alternatives to promote safety culture with imposition of enforcement penalties when safety violations occur.
- Regulation of Unmanned Aircraft.** While both H.R. 4 and the Senate committee bill pave the way for delivery services using small drones and facilitate small commercial drone operations in low-altitude airspace, both bills would continue to limit FAA’s authority to regulate model aircraft and drones operated strictly for hobby or recreation. However, H.R. 4 would allow FAA to regulate recreational drones capable of sustained operations beyond-visual-line-of-sight and would direct FAA to issue rules requiring certain recreational operators to complete computer-based training and obtain prior authorization to access certain airspace. The bill also would direct FAA to implement

remote drone detection technologies and a system to report suspected violations in an effort to help enforce drone regulations.

- **Airport Improvement Program (AIP).** In addition to the annual AIP funding of \$3.35 billion, H.R. 4 would add a new supplemental funding authorization for AIP discretionary funds from general fund appropriations, starting in FY2019 with \$1.02 billion and rising to \$1.11 billion in FY2023. Funds would be used for eligible projects, excluding those at large hub airports.
- **Essential Air Service (EAS).** H.R. 4 would authorize discretionary funding for EAS, starting at \$155 million for FY2018 and rising to \$172 million for FY2023. It also would require the Comptroller General to conduct a study on the impact of EAS reform options. The Senate committee bill would authorize annual appropriations for EAS of \$175 million for FY2018-FY2021, unchanged from the amount appropriated in FY2017.
- **Passenger Facility Charges.** Both bills would ease restrictions on the ability of airports to impose passenger facility charges to fund airport improvements. However, the current limit of \$4.50 per flight segment would remain unchanged.
- **Airline Consumer Issues.** Both bills address crowding aboard airplanes. The House committee bill would require FAA to issue regulations establishing minimum dimensions for passenger seats. S. 1405 would require FAA to initiate a study of minimum seat pitch within 18 months of enactment and review whether changes in seat size and legroom affect the ability to evacuate an aircraft in an emergency. Both bills address the needs of passengers with disabilities as well as consumer complaint process improvement. H.R. 4 would make involuntary bumping of passengers after boarding an unfair and deceptive practice. It also would allow an air carrier to advertise base airfare rather than the final cost to the passenger, as long as it discloses additional taxes and fees via a link on its website. Such practice is currently deemed “unfair and deceptive” by a Department of Transportation consumer protection rule.

## Author Information

Bart Elias  
Specialist in Aviation Policy

Rachel Y. Tang  
Analyst in Transportation and Industry

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